

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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ROBERT COSGROVE,

Plaintiff,

-against-

THE EPISCOPAL DIOCESE OF LONG ISLAND, THE
RIGHT REVEREND LAWRENCE C. PROVENZANO,

Defendants.
-----X

Index No.

Date Purchased:

Plaintiff designates
NASSAU County
as the place of trial.


The basis of the venue
is Defendants' place
of business.

To the above-named Defendant(s)

SUMMONS

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in this complaint.

Dated: New York, New York
October 1, 2019



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SUPREME COURT OF THE STATE OF NEW YORK
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ROBERT COSGROVE,

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THE EPISCOPAL DIOCESE OF LONG ISLAND, THE
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Defendants.
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**VERIFIED
COMPLAINT**

Plaintiff, ROBERT COSGROVE, complaining of Defendants, hereby alleges the following:

JURISDICTION AND VENUE

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.
2. The Court has jurisdiction pursuant to CPLR § 301 as Defendants' principal place of business is in New York and because much of the unlawful conduct complained of herein occurred in New York.
3. Venue is proper pursuant to CPLR § 503 because Nassau County is the principal place of business of Defendants. In addition, many of the events giving rise to this action occurred in Nassau County.

AS AND FOR A FIRST CAUSE OF ACTION:

NEGLIGENT SUPERVISION

4. The Plaintiff, ROBERT COSGROVE, (hereinafter "PLAINTIFF") was born on February 22, 1972. He is currently a resident of Reston, Virginia.

5. Plaintiff attended ST. PAUL'S SCHOOL from 1983 when he entered 5th grade through 1986 when he graduated from 8th grade.
6. ST. PAUL'S SCHOOL, was at all material times, a private school doing business in Nassau County, New York.
7. ST. PAUL'S SCHOOL closed in 1991.
8. ST. PAUL'S SCHOOL was at all material times operated by Defendant, THE EPISCOPAL DIOCESE OF LONG ISLAND.
9. Defendant, THE RIGHT REVEREND LAWRENCE C. PROVENZANO is the Bishop of Long Island, and operator of administration of THE EPISCOPAL DIOCESE OF LONG ISLAND.
10. Upon information and belief, at all material times, THE EPISCOPAL DIOCESE OF LONG ISLAND was and is a non-profit religious corporation organized and existing around and under by virtue of the laws of the State of New York. Its principal headquarters are located in Garden City, New York, which is in Nassau County.
11. Defendants THE EPISCOPAL DIOCESE OF LONG ISLAND and THE RIGHT REVEREND LAWRENCE C. PROVENZANO will collectively be referred to as "DEFENDANTS".
12. Upon information and belief, Joseph A. O'Connor (hereinafter "O'CONNOR") was hired by ST. PAUL'S SCHOOL to teach Social Studies and/or History in 1984 or earlier. Upon information and belief, O'CONNOR remained an employee of DEFENDANTS at ST. PAUL'S SCHOOL through at least April of 1986.
13. Upon information and belief, at all material times, O'CONNOR lived in a dormitory room on the grounds of ST. PAUL'S SCHOOL.

14. Upon information and belief, when O'CONNOR met PLAINTIFF in or around 1984, he was an employee and agent of Defendants acting within the course and scope of his authority as a ST. PAUL'S SCHOOL teacher.
15. Upon information and belief, O'CONNOR continued acting as an employee and agent of ST. PAUL'S SCHOOL and THE EPISCOPAL DIOCESE OF LONG ISLAND through the entire period when he sexually abused PLAINTIFF.
16. O'CONNOR met PLAINTIFF while PLAINTIFF was in the 5th grade at ST. PAUL'S SCHOOL as his History teacher.
17. Upon information and belief, O'CONNOR learned that PLAINTIFF'S parents were divorced and observed that PLAINTIFF was a student who would frequently get bullied by other students.
18. O'CONNOR groomed PLAINTIFF by gaining his trust, including telling him that he could confide in O'CONNOR.
19. O'CONNOR taught Confraternity of Christian Doctrine class (hereinafter "CCD"), a Catholic school studies course, one night a week at a local Catholic school nearby ST. PAUL'S SCHOOL.
20. In or around November of 1984, O'CONNOR arranged with PLAINTIFF'S mother to take PLAINTIFF to CCD after school.
21. O'CONNOR instructed PLAINTIFF'S mother to have PLAINTIFF stay after school, meet with O'CONNOR, and then O'CONNOR would drive PLAINTIFF to CCD class.
22. O'CONNOR told PLAINTIFF that he was to meet at O'CONNOR'S dormitory room.

23. As previously stated, O'CONNOR'S dormitory room was located on the property of ST. PAUL'S SCHOOL, on the 4th floor of the west side of the school building.
24. Upon PLAINTIFF'S arrival at O'CONNOR'S dormitory room, O'CONNOR asked PLAINTIFF why he was there. PLAINTIFF told O'CONNOR that he was there to meet him for CCD class. O'CONNOR disagreed, telling PLAINTIFF that PLAINTIFF was there to be punished.
25. O'CONNOR then told PLAINTIFF it was time to receive his punishment and ordered PLAINTIFF to remove PLAINTIFF'S pants.
26. After PLAINTIFF removed his pants, O'CONNOR ordered PLAINTIFF to bend over his lap.
27. Once PLAINTIFF bent over O'CONNOR'S lap, O'CONNOR stroked PLAINTIFF'S buttocks and penis both outside of his underwear and inside of his underwear.
28. At some point, O'CONNOR removed PLAINTIFF'S underwear and continued to stroke PLAINTIFF'S buttocks and penis for approximately one hour.
29. O'CONNOR then proceeded to masturbate PLAINTIFF, digitally penetrate PLAINTIFF'S anus, and fondle PLAINTIFF'S buttocks.
30. PLAINTIFF could feel O'CONNOR'S erection against his skin through O'CONNOR'S pants. PLAINTIFF could also hear O'CONNOR making noises.
31. After O'CONNOR finished abusing PLAINTIFF, O'CONNOR instructed PLAINTIFF to get dressed and threatened PLAINTIFF that he would be physically harmed if he ever told anyone about the sexual abuse.
32. O'CONNOR subsequently drove PLAINTIFF to the CCD class, and later that evening returned PLAINTIFF to ST. PAUL'S school to meet his mother. Prior to

meeting his mother, O'CONNOR again warned PLAINTIFF not to speak to anyone about what had happened.

33. Over the next two years, PLAINTIFF saw O'CONNOR almost every day during the school year because O'CONNOR was one of his teachers and during this period O'CONNOR attempted to get PLAINTIFF alone, but PLAINTIFF avoided him.
34. At all material times, PLAINTIFF was unaware of any ST. PAUL'S SCHOOL rules, regulations or policies concerning or addressing sexual abuse, sexual harassment, and sexual misconduct of ST. PAUL'S SCHOOL students, such as PLAINTIFF, by teachers and/or employees such as O'CONNOR.
35. During all material times, PLAINTIFF received no training or information in any form, including but not limited to, classroom instruction or oral presentation, through video or written document on how to deal with sexual misconduct, sexual abuse, sexual boundary violations or sexually harassing behavior by ST. PAUL'S SCHOOL teachers and/or employees on students like himself.
36. Upon information and belief, during all times herein, when PLAINTIFF was enrolled in school and communicated and otherwise interacted with O'CONNOR, PLAINTIFF was entrusted by his parents to the care of DEFENDANTS and during such periods, DEFENDANTS were acting in the capacity of *in loco parentis* because DEFENDANTS assumed custody and control over him as a minor child and as a student at the school.
37. Upon information and belief, O'CONNOR used his position of trust and authority vested in him by DEFENDANTS for the purpose of sexually abusing PLAINTIFF.

38. Upon information and belief, at all material times, DEFENDANTS had a duty to exercise the same degree of care and supervision over the students, including PLAINTIFF, under their control as a reasonably prudent parent would have exercised under the same circumstances. This means that DEFENDANTS assumed a duty of care to protect the safety and welfare of PLAINTIFF and students at ST. PAUL'S SCHOOL. At all material times, DEFENDANTS owed a duty to PLAINTIFF to provide a safe and nurturing educational environment, where he would be protected from administrators and staff like O'CONNOR who were under the employment and control of DEFENDANTS
39. Upon information and belief, during O'CONNOR'S employment by ST. PAUL'S SCHOOL and while PLAINTIFF was a student in ST. PAUL'S SCHOOL'S care, DEFENDANTS failed to exercise the degree of care that a reasonable prudent parent would have exercised under similar circumstances.
40. At all material times, DEFENDANTS owed a special duty to PLAINTIFF that required DEFENDANTS to take reasonable steps to anticipate such behavior from its employees, like O'CONNOR, which threatened the safety of students including PLAINTIFF.
41. At all material times, DEFENDANTS had a duty to properly supervise O'CONNOR as their employee because of their duty to take care of PLAINTIFF.
42. At all material times, PLAINTIFF reposed his trust and confidence as student and minor individual in O'CONNOR and DEFENDANTS, who occupied a superior position of influence and authority over PLAINTIFF, to provide PLAINTIFF with a safe and secure educational environment.

43. Upon information and belief, at all material times, DEFENDANTS knew or should have known of O'CONNOR'S propensity to sexually abuse minor students.
44. Upon information and belief, DEFENDANTS negligently failed to adequately implement a reasonable or effective supervisory system, plan, or protocol or procedure for supervising personnel so as to prevent inappropriate, offensive, sexual and/or abuse or contact of students by ST. PAUL'S SCHOOL employees.
45. Upon information and belief, the injuries to PLAINTIFF resulted from DEFENDANTS' failure to provide PLAINTIFF with supervision of a parent of ordinary prudence under the same circumstances.
46. Upon information and belief, the injuries to PLAINTIFF were foreseeable consequences of DEFENDANTS' negligent failure to supervise O'CONNOR and PLAINTIFF. Said injuries were caused by or contributed to by the carelessness, recklessness and the grossly negligent conduct of DEFENDANTS, their agents, servants and/or employees, in failing to properly and adequately supervise the conduct of O'CONNOR as it related to PLAINTIFF.
47. ST. PAUL'S administrators and employees who were agents of the DIOCESE knew or should have known about O'CONNOR'S predatory behavior toward PLAINTIFF prior to the date of the abuse.
48. O'CONNOR frequently allowed his students to smoke or drink in his dormitory room.
49. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to low self-esteem, guilt, shame, depression, anxiety, panic attacks, weight gain, suicidal thoughts, intimacy issues, and loss of

enjoyment with family and upon information and belief, some or all of these injuries are of a permanent and lasting nature; and PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.

50. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.

51. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to CPLR § 1602(7).

52. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION:

NEGLIGENT RETENTION

53. PLAINTIFF repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.

54. Upon information and belief, as more fully alleged above, DEFENDANTS' duty of care to PLAINTIFF included a duty not to retain an employee such as O'CONNOR who would use his position and authority and influence to harm minor students such as PLAINTIFF.

55. Upon information and belief, DEFENDANTS knew or should have known that O'CONNOR sexually abused PLAINTIFF and/or should have known of his propensity to abuse minor students with whom he came in contact with.

56. When PLAINTIFF was in their care, said DEFENDANTS failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
57. DEFENDANTS were wanton, reckless, officially tolerant and deliberately indifferent to abuse of PLAINTIFF by O'CONNOR.
58. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to low self-esteem, guilt, shame, depression, anxiety, panic attacks, weight gain, suicidal thoughts, intimacy issues, and loss of enjoyment with family and upon information and belief, some or all of these injuries are of a permanent and lasting nature; and PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.
59. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.
60. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to CPLR § 1602(7).
61. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION:

NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT

62. PLAINTIFF repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.

63. During all material times, DEFENDANTS owed a special duty to PLAINTIFF as a student. This special duty required DEFENDANTS to take reasonable steps to anticipate such threats from its employees like O'CONNOR which threatened the safety of PLAINTIFF.
64. Upon information and belief, DEFENDANTS failed to provide a reasonably safe environment to PLAINTIFF by failing to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.
65. As a result, DEFENDANTS are liable to PLAINTIFF for their negligent failure to provide a reasonably safe and secure environment.
66. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to low self-esteem, guilt, shame, depression, anxiety, panic attacks, weight gain, suicidal thoughts, intimacy issues, and loss of enjoyment with family and upon information and belief, some or all of these injuries are of a permanent and lasting nature; and PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.
67. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.
68. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to CPLR § 1602(7).
69. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO TRAIN TEACHERS AND ADMINISTRATORS RELATED
TO SEXUAL ABUSE AND TRAIN STUDENTS RELATED TO SEXUAL ABUSE

64. PLAINTIFF repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
65. DEFENDANTS, their agents, servants and employees owed a duty of care to PLAINTIFF as more fully alleged above. That duty included the duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent and address inappropriate teacher/employee behavior and conduct including teacher/employee-student boundary violations, sexually inappropriate teacher/employee behavior and conduct and the sexual abuse of students by teachers/employee for the purpose of preventing the sexual abuse of students like PLAINTIFF.
66. Upon information and belief, DEFENDANTS did not establish effective training and education programs, policies and procedures for their administrators, teachers and employees calculated to detect, prevent and address the problem of the inappropriate teacher/employee behavior and conduct including teacher/employee-student boundary violations, sexually inappropriate teacher/employee behavior and conduct and the sexual abuse of students by employees.
67. Upon information and belief, in failing to establish such training and education programs, policies and procedures for employees and administrators, DEFENDANTS failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.

68. Upon information and belief, DEFENDANTS had a duty to train and educate students including PLAINTIFF on inappropriate teacher/employee behavior and conduct including teacher/employee-student boundary violations, sexually inappropriate teacher/employee behavior and conduct and the sexual abuse of students by teacher/employee and to establish effective policies and procedures to address said problems.
69. Upon information and belief, DEFENDANTS did not train and educate PLAINTIFF on the problem of inappropriate teacher/employee behavior and conduct including teacher/employee-student boundary violations, sexually inappropriate teacher/employee behavior and conduct and the sexual abuse of students by teachers/employees and did not establish effective policies and procedures to address said problems.
70. Upon information and belief, in failing to establish such training and education programs, policies and procedures for students like PLAINTIFF, DEFENDANTS failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
71. Upon information and belief, DEFENDANTS are liable to the PLAINTIFF, as the result of their negligent failure to establish effective training and education programs, policies and procedures for their administrators, teachers and employees calculated to detect and prevent inappropriate teacher/employee behavior and conduct and including teacher/employee-student boundary violations, sexually inappropriate teacher/employee behavior and conduct and the sexual abuse of students by teachers/employees .


72. DEFENDANTS are also liable to PLAINTIFF for their failure to train and educate PLAINTIFF as a student on the problem of inappropriate teacher/employee behavior and conduct including teacher/employee-student boundary violations, sexually inappropriate teacher/employee behavior and conduct and the sexual abuse of students by teachers/employees and to establish effective policies and procedures to address said problems.
73. DEFENDANTS were wanton, reckless, officially tolerate and deliberately indifferent by their failure to develop such effective training and education programs, policies and procedures for employees, administrators and students.
74. DEFENDANTS their agents, servants and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to establish adequate and effective professional training and education programs and procedures for their employees calculated to prevent abuse of youth.
75. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to low self-esteem, guilt, shame, depression, anxiety, panic attacks, weight gain, suicidal thoughts, intimacy issues, and loss of enjoyment with family and upon information and belief, some or all of these injuries are of a permanent and lasting nature; and PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.
76. That by reason of the foregoing, Defendants are liable to PLAINTIFF for punitive and exemplary damages.

77. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to, CPLR § 1602(7).

78. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendants, together with compensatory and punitive damages, and the interests, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York
October 1, 2019



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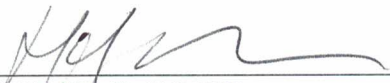
VERIFICATION BY ATTORNEY

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is the attorney for the Plaintiff in the above-entitled action with an office located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiff is because Plaintiff is not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiff and other writings relevant to this action.

Dated: New York, New York
October 1, 2019



MICHAEL G. DOWD
Attorney for Plaintiff
600 Third Avenue, 15th Floor
New York, NY 10016
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